

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

FMS INVESTMENT CORP., <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 18-204C (consolidated)
)	
THE UNITED STATES,)	Judge Wheeler
)	
Defendant,)	
)	
and)	
)	
PERFORMANT RECOVERY, INC.,)	
<i>et al.</i>,)	
)	
Defendant-Intervenors.)	
)	
)	
)	

**PLAINTIFF ACCOUNT CONTROL TECHNOLOGY, INC.'S NOTICE REGARDING
DEFENDANT'S MOTION TO DISMISS**

On May 7, 2018, the Government filed a motion to dismiss this protest pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims. ECF No. 189. The Government's motion is based on the Agency's cancellation of the Solicitation and termination for convenience of the contract awards to Performant Recovery, Inc. and Windham Professionals, Inc. *Id.*

Also on May 7, 2018, the Court ordered all parties in this litigation to file a notice with the Court indicating whether or not they plan to oppose the Government's motion to dismiss. ECF No. 190. Plaintiff Account Control Technology, Inc. respectfully submits this response to the Court's order and states that it intends to oppose the Government's motion.

Respectfully submitted,

Dated: May 8, 2018

SHEPPARD MULLIN RICHTER & HAMPTON LLP

/s/ Jonathan S. Aronie

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Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all parties electronically via the CM/ECF system on this 8th day of May 2018.

/s/ Jonathan S. Aronie

Jonathan S. Aronie